

ORDINANCE NO. 16-03

AN ORDINANCE AMENDING SECTIONS 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, AND 100.59 OF CHAPTER 100 OF TITLE IX AND CHAPTER 150 OF TITLE XV OF THE AUBURN MUNICIPAL CODE BY ADOPTING THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES AND MAKING NECESSARY AMENDMENTS THERETO AND BY ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2015 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the City Council of the City of Auburn does hereby find that there is need to enforce the most current editions of the California Codes, regulating and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises, and, regulating and governing the design, erection, construction, enlargement, installation, alteration, repair, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical and certain equipments, within the City;

WHEREAS, pursuant to sections 17922, 17958, 17958.5, and 17958.7 of the California Health & Safety Code, the City may adopt provisions of the California Codes, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of Auburn because of local climate, geological and topographical conditions;

WHEREAS, on this date, the City Council of the City of Auburn made the factual findings contained herein relating to the amendments to the California Codes recited herein in accordance with Health & Safety Code section 18941.5;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of local amendments to the California Codes, and amending the Auburn Municipal Code are exempt from the provisions of the California Environmental Quality Act.

1
2 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES
3 HEREBY ORDAIN AS FOLLOWS:

4
5 **Section 1.** *Code Amendment.* Sections 100.50, 100.53, 100.54, 100.55, 100.56,
6 100.58, and 100.59 of Chapter 100 of Title IX of the Auburn Municipal Code are
hereby amended to read as follows:

7 **§100.50. ADOPTION OF THE FIRE CODE.**

8 There is hereby adopted by the Council, for the purpose of prescribing
9 regulations governing conditions hazardous to life and property from fire or explosion,
10 that certain Code known as the California Fire Code 2016 Edition including the
11 administrative provisions based on the 2015 International Fire Code including
12 Appendices, as published by the International Code Council (ICC) as adopted and
13 amended by the California Building Standards Commission in the California Building
14 Standards Code, Title 24 of the California Code of Regulations, Part 9, thereof and the
15 whole thereof, save and except such portions as are hereinafter deleted, modified or
16 amended as set forth in this article, of which Code not less than one (1) copy have
17 been and are now filed in the office of the Building Department for public record and
18 inspection , and said Code is hereby adopted and incorporated in this chapter as fully
19 as if set out at length in this chapter, and the provisions thereof shall be controlling
20 within the limits of the City.
21

22 **§100.53 LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II**
23 **LIQUIDS IN ABOVE-GROUND TANKS OUTSIDE OF**
24 **BUILDINGS IS PROHIBITED.**

25 (A) The limits referred to in section 5704.2.9.6.1 of the Fire Code, in which the
26 storage of Class I and Class II liquids in above-ground tanks outside of
27 buildings are hereby established as areas where such use as determined by the
28 Fire Chief may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section.

§100.54. LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II LIQUIDS IN ABOVE-GROUND TANKS IS PROHIBITED.

(A) The limits referred to in section 5706.2.4.4 of the Fire Code, in which the storage of Class I and Class II liquids in above-ground tanks are hereby established as areas where such use as determined by the Fire Chief may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section.

§100.55. LIMITS IN WHICH THE STORAGE OF FLAMMABLE CRYOGENIC FLUIDS IN STATIONARY CONTAINERS IS PROHIBITED.

(A) The geographic limits referred to in section 5806.2 of the Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as areas where certain use, as determined by the Fire Chief, may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section, unless other applicable law requires an amendment to occur via ordinance.

§100.56. LIMITS IN WHICH THE STORAGE OF LIQUEFIED PETROLEUM GAS IS RESTRICTED FOR THE PROTECTION OF HEAVILY POPULATED OR CONGESTED AREAS.

(A) The geographic limits referred to in section 6104.2 of the Fire Code, in which the storage of liquefied petroleum gas is restricted for the protection of heavily

1 populated or congested areas, are hereby established as areas where certain,
2 use as determined by the Fire Chief, may be restricted in accordance with the
3 city zoning ordinance.

- 4 (B) The Council, by resolution, may modify the limits of the districts established by
5 the provisions of this section.

6
7 **§100.58 AMENDMENTS TO THE FIRE CODE.**

- 8 (A) Fire Code Section 202; is amended to read as follows:

9 Definitions, Added:

- 10 (1) EMERGENCY ACCESS. A road that provides access for emergency
11 vehicles during an emergency and egress/evacuation for non-emergency
12 vehicles simultaneously.

- 13 (B) Fire Code Section 503.2.1 is amended to read as follows:

- 14 (1) Dimensions. Fire apparatus roads and Emergency Access shall have an
15 unobstructed width of not less than 26 feet, exclusive of shoulders, and
16 an unobstructed vertical clearance of not less than 15 feet.

- 17 (C) Fire Code Section 503.4 is amended to read as follows:

- 18 (1) Obstruction of Emergency Access. Emergency Access shall not be
19 obstructed in any manner, including the parking of vehicles. Minimum
20 widths and clearances shall be maintained at all times.

- 21 (D) Fire Code Section 903.2 is amended to read as follows:

- 22 (1) In all occupancies except Group U Occupancies an approved automatic
23 sprinkler system shall be installed where the occupancy/building has
24 3,600 or more square feet of total floor area, except where other sections
25 of the CFC or the California State Fire Marshals regulations are more
26 restrictive, then the more restrictive shall apply. Where additions
27 increase the total size of the building to 3,600 square feet or more, the
28 addition and the existing occupancy/building shall be provided with an

1 approved automatic sprinkler system. Fire separation areas shall not be
2 used to reduce this requirement.

3 EXCEPTIONS:

4 1. Group R Division 3 occupancies shall comply with applicable Building
5 Code requirements.

6 (E) Fire Code Section 903.3.1.3 is amended to read as follows:

7 (1) Automatic sprinkler systems installed in one-and two family dwellings,
8 Groups R-3 and R-4 congregate living facilities and townhouses shall be
9 permitted to be installed throughout in accordance with the latest edition
10 of NFPA Standard 13D and shall be equipped with a residential fire
11 sprinkler water flow switch and interconnected to an outside audible
12 device and to the residential smoke detector alarm system.

13 (F) Fire Code Section 903.4 is amended to read as follows:

14 (1) All valves controlling the water supply for automatic sprinkler systems
15 and water-flow switches on all sprinkler systems shall be electronically
16 supervised. Valve supervision, water-flow alarm, fire alarm systems, and
17 trouble signals shall be distinctly different and shall be automatically
18 transmitted to an approved central station.

19 EXCEPTION:

20 1. Group R, Division 3 Occupancies are not required to be monitored.

21 (G) Fire Code Section 907.2 is amended to read as follows:

22 (1) Where required. All occupancies except Group R, Division 3 and Group U
23 occupancies shall have an approved automatic fire alarm system installed
24 when the occupancy/building does not have an approved automatic
25 sprinkler system installed and is greater than 1,500 or more square feet
26 of total floor area, except where other sections of the CFC or the
27 California State Fire Marshals regulations are more restrictive, then the
28 more restrictive shall apply.

1 All A, E, H, I, and M occupancies shall have an automatic smoke/heat
2 detection system installed in addition to any other system(s) required by
3 the this code.

4 Where additions increase the total size of the occupancy/building to
5 1,500 square feet or more the addition and the existing
6 occupancy/building shall be provided with an approved automatic
7 smoke/heat detection system.

8 Fire alarm system shall mean, but not limited to; smoke detection, heat
9 detection, and manual pull devices, and any other form of fire detection.

10 All automatic smoke/heat and fire alarm systems installed shall be
11 automatically transmitted to an approved central station.
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13 **§100.59 FINDINGS**

14 (A) The Council, following due consideration, hereby finds and determines that all
15 the amendments, deletions, and additions to the foregoing Fire Code are
16 reasonably necessary due to local climatic, geological, and topographical
17 conditions existing throughout the City. The City hereby finds and declares that:
18 The area within which the City is located is within Very High, High, and
19 Moderate Fire Hazard Severity Zones as designated by CAL FIRE Department of
20 Forestry and Fire Protection and is identified as a City at risk in the National Fire
21 Plan resulting in significant risk to fire. Such conditions increase fire danger by
22 significantly contributing to the spread and intensity of fires and significantly
23 increase the difficulty of effective fire suppression within the City endangering
24 lives and/or millions of dollars in property value. These amendments assist in
25 addressing the fire problems, concerns and future direction by which the
26 authority can establish and maintain an environment which will afford a level of
27 fire and life safety to all who live and work within the City's boundaries.
28

- 1 (1) Sections 5704.2.9.6.1, 5706.2.4.4, 5806.2, and 6104.2 of the Fire Code
2 are modified to enable the City Council to modify by resolution the limits
3 in which flammable liquids and gases can be stored to ensure public
4 safety.
- 5 (2) Sections 202, 503.2.1, and 503.4 of the Fire Code are amended to clearly
6 define regulations and standards to ensure public safety through means
7 of adequate evacuation for citizens and to limit delays in response time
8 for emergency resources and reduce hazards to firefighters.
- 9 (3) Sections 903.2, 903.3.1.3, and 907.2 of the Fire Code are amended due
10 to life safety conditions that clearly define the regulations based upon
11 occupancy/building use and the life safety fire protection and detection
12 systems required to ensure public safety. The modifications contained in
13 these amendments provide additional fire extinguishing systems in new
14 construction, major remodels, additions, and occupancy classification
15 changes to help mitigate fire problems and to confine a fire to the area of
16 origin rather than spread to neighboring structures or the wildland. In
17 addition, the use of fire alarm systems ensures early detection and
18 notification so occupants can exit in a safe and efficient manner and so
19 fire in occupancies/buildings may be mitigated in a timely manner.
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22 **Section 2.** *Code Amendment.* Chapter 150 of Title XV of the Auburn Municipal Code
23 is hereby amended to read as follows:
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1 **BUILDING CODE**

2 **§ 150.001 ADOPTION OF THE CALIFORNIA BUILDING CODE AND**
3 **CALIFORNIA BUILDING STANDARDS.**

4 For the purposes of protecting the public health and welfare and establishing rules and
5 regulations for the construction, enlargement, alteration, repair, moving, removal,
6 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
7 buildings and structures in the city, that certain code designated as the "California
8 Building Code," 2016 Edition, Volumes 1 and 2, including Appendix Chapters B, C and
9 F thereto which was published by the International Code Council, 1 copy of which is on
10 file in the office of the Building Department for public record and inspection, are
11 hereby adopted by reference and made a part of this subchapter as though set forth
12 in this chapter in full, subject, however, to the amendments, additions and deletions
13 set forth in this subchapter, and the codes shall be known as the Building Code of the
14 city.

15
16 **§ 150.002 FINDINGS.**

17 (A) The provisions of this chapter are reasonably necessary because of the
18 following local climatic, geological and or topographical conditions:

- 19 (1) Section 201.4 is amended due to topographical conditions; the hillside
20 construction within the city and the need for public safety require a clear
21 understanding of the standards and requirements. The amendment makes
22 clear the definitions necessary to implement the desired standards and
23 regulations.
- 24 (2) Section 202 "Bedroom" definition is added because due to the unique
25 geographic characteristics of the City, there is a high potential for illegal
26 units.
- 27
28

- 1 (3) Section 202 "Kitchen" definition is added because due to the unique
2 geographic characteristics of the City, there is a high potential for illegal
3 units.
- 4 (4) Section T1505.1 is amended due to topographical conditions; due to fire
5 severity zoning within the City and to be consistent with the adopted
6 Ordinance of Placer County requiring Class A Roofing. The City finds the
7 amendment imposes stricter requirements for roof construction.
- 8 (5) Sections 1505.6 and 1505.7 are amended due to climatic and topographical
9 conditions, such as high velocity winds and high temperatures with
10 accompanying low humidity, such that areas in the city are designated as
11 fire hazard severity zone and a Placer County Ordinance requires Class A
12 Roofing. The city finds the amendment imposes stricter requirements for
13 roof construction.
- 14 (6) Section 1608.2 is amended due to climatic conditions; historical information
15 indicates that local weather conditions can produce snow fall requiring the
16 proper measurement.
- 17 (7) The provisions for permit fees in Chapter 1 are amended to allow the City
18 Council to set a permit fee that reflects the cost of providing the service in light of the
19 local climatic, geological, and topographic conditions in the City.

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21 **§ 150.003 AMENDMENTS TO BUILDING CODE.**

22 (A) California Building Code. The following sections of the California Building
23 Code are amended as follows:

- 24 (1) Section 201.4. Where terms are not defined through the methods
25 authorized by this section, such terms shall have ordinarily accepted
26 meanings such as the context implies. Webster's Third New International
27 Dictionary of the English Language, Unabridged, shall be considered as
28 providing ordinarily accepted meanings.

- (2) Section 202 Bedroom is hereby defined as: "A room with a bed or a closet, whether built-in or free-standing".
- (3) Section 202 Kitchen is hereby defined as: "Any area or appliance used for the preparation of food, including, but not limited to, gas or electric ranges, ovens or stovetops, refrigerators or freezers of more than five cubic feet capacity, and cabinets designed to accommodate such appliances.
- (4) Table 1505.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

- (5) Delete Sections 1505.6 and 1505.7 - Wood shakes and shingles are not allowed in new construction.
- (6) Section 1608.2: Ground snow load p_g = 20 pounds per square foot.
- (7) Chapter 1, of the California Building Code is amended as follows: The permit fee shall be established by resolution of the City Council.

RESIDENTIAL CODE

§ 150.006 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "California Residential Code," 2016 Edition, including Appendix Chapters E, G, and K thereto which was published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby

1 adopted by reference and made a part of this subchapter as though set forth in this
2 chapter in full, subject, however, to the amendments, additions and deletions set forth
3 in this subchapter, and the codes shall be known as the Residential Code of the city.
4

5 **§ 150.007 FINDINGS.**

6 (A) The provisions of this chapter are reasonably necessary because of the
7 following local climatic, geological and or topographical conditions:

- 8 (1) Section R201.4 is amended due to topographical conditions; the hillside
9 construction within the city and the need for public safety require a clear
10 understanding of the standards and requirements. The amendment makes
11 clear the definitions necessary to implement the desired standards and
12 regulations.
- 13 (2) Section 202 "Bedroom" definition is added because due to the unique
14 geographic characteristics of the City, there is a high potential for illegal
15 units.
- 16 (3) Section 202 "Kitchen" definition is added because due to the unique
17 geographic characteristics of the City, there is a high potential for illegal
18 units.
- 19 (4) Section R319.1 is amended due to topographical conditions; the hillside
20 construction, mature landscaping including dense canopy can make it
21 difficult for emergency, public and private services to identify the address of
22 parcels of real property within the city causing a public safety concern. The
23 amendment makes clear addressing necessary in the area.
- 24 (5) Sections R902.1 is amended due to topographical conditions; due to fire
25 severity zoning within the City and to be consistent with the adopted
26 Ordinance of Placer County requiring Class A Roofing. The City finds the
27 amendment imposes stricter requirements for roof construction.
28

1 (6) Sections R902.2, R905.7 and R905.8 are amended due to climatic and
2 topographical conditions, such as high velocity winds and high temperatures
3 with accompanying low humidity, such that areas in the city are designated
4 as fire hazard severity zone and a Placer County Ordinance requires Class A
5 Roofing. The city finds the amendment imposes stricter requirements for
6 roof construction.

7 (7) Section R301.5, "20 Pound Snow Load" is amended due to climatic
8 conditions; historical information indicates that local weather conditions can
9 produce snow fall requiring the proper measurement.

10 (8) Section 3109.4.1, "Barrier Height" is amended to due to topographical
11 conditions; hillside construction in the area makes raising the fence height
12 necessary.

13
14 (7) The provisions for permit fees in Chapter 1 are amended to allow the City
15 Council to set a permit fee that reflects the cost of providing the service in light of the
16 local climatic, geological, and topographic conditions in the City.

17
18 **§ 150.008 AMENDMENTS TO RESIDENTIAL CODE.**

19 (A) California Residential Code. The following sections of the California
20 Residential Code are amended as follows:

21 (1) Section R201.4. Where terms are not defined through the methods
22 authorized by this section, such terms shall have ordinarily accepted
23 meanings such as the context implies.

24 (2) Section R202 Bedroom is hereby defined as: "A room with a bed or a closet,
25 whether built-in or free-standing".

26 (3) Section R202 Kitchen is hereby defined as: "Any area or appliance used for
27 the preparation of food, including, but not limited to, gas or electric ranges,
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ovens or stovetops, refrigerators or freezers of more than five cubic feet capacity, and cabinets designed to accommodate such appliances.

- (4) Section R319.1. In the case of single-family residences, each new dwelling constructed in the city shall maintain an automatic, internally illuminated house numbering unit which is visible from the street.

- (5) Section R902.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

- (6) Delete Sections R902.2, R905.7 and R905.8 - Wood shakes and shingles are not allowed in new construction.

- (7) Section R301.2 (5), Figure 1608.2: Ground snow load p_g = 20 pounds per square foot.

- (8) Section 3109.4.1: Revise the barrier height to 60" from 48".

- (7) Chapter 1, of the California Residential Code is amended as follows: The permit fee shall be established by resolution of the City Council.

BUILDING PERMITS

§ 150.015 DENIAL; GROUNDS.

No building or occupancy permit shall be issued when the Council, or a properly delegated authority, gives notice to the Building Official to withhold such permit where the action is deemed to be in the public interests, for the protection of the public health and safety, or for the general public welfare, including noncompliance by the applicant with any law or any agreement with the city or the Planning Commission, or which would constitute an improper land use. Any such denial of a permit shall

1 contain a provision for the issuance of the permit upon the completion of designated
2 corrective action by the applicant.

3
4 **§ 150.016 ISSUANCE; BUILDING ACCESS REQUIRED.**

5 Before a building permit shall be granted for any use other than a single-family
6 residential use, a designated committee of the Planning Commission shall make a
7 written finding that the lot in question has adequate frontage upon a dedicated public
8 street or upon a recorded private easement determined by the Director of Public
9 Works to be adequate for purposes of access, including access for emergency
10 vehicles, reasonably sufficient for the intended use.

11
12 **§ 150.017 ISSUANCE; IMPROVEMENTS REQUIRED.**

13 (A) *Curbs, gutters, drainage facilities, sidewalks and driveways for other than*
14 *single family residential uses.* Following a finding that a lot has adequate frontage, as
15 set forth in § 150.016 of this chapter, no building permit for other than single-family
16 residential uses shall be granted until the applicant has either installed, at his or her
17 own expense, curbs, gutters, drainage facilities, sidewalks, and a driveway, all
18 according to the standard specifications of the city, and on all street frontages of the
19 lots to be used in conjunction with the building to be constructed or improved or, in
20 the alternative, has entered into an improvement agreement with the city in which the
21 applicant agrees to install the improvements required by this subsection, either prior
22 to the final inspection, or prior to the issuance of a certificate of occupancy, or upon a
23 date certain from the date of the improvement agreement, agreeing to hold the city
24 and its agents, officers, and employees free and harmless from all claims of any
25 nature whatsoever arising in any way from the use and occupancy of the property or
26 from the condition of the property. The improvement agreement shall be in a form
27 approved by the city. Unless it is waived by the city, the applicant shall furnish the
28 city with a performance bond or other security approved by the city in an amount

1 deemed reasonably adequate by the Director of Public Services to secure the full and
2 complete performance of the agreement by the applicant.

3 (B) *Curbs, gutters, drainage facilities, sidewalks and streets for single family*
4 *residential uses.* Whenever a lot is without standard curbs, gutters, drainage facilities,
5 sidewalks or a paved street, or any one of them, and the Building Official determines
6 that any one or more of them have already have been constructed on 40% of the
7 occupied frontage of the same side of the street as the property for which a building
8 permit is sought, the applicant shall construct the improvements, according to the
9 standard specifications of the city, before a building permit shall be granted for single-
10 family residential uses. For the purpose of computing the percentage, the percentage
11 shall be of the block not to exceed 250 feet on either side of the property to a street
12 corner.

13 (C) *Paved streets.* Following a finding that a lot has adequate frontage, as set
14 forth in § 150.016 of this chapter, and upon a joint finding by the Director of Planning
15 and Public Works and the City Engineer that the nature of the proposed occupancy of
16 the premises is such that it will result in an increase in traffic, or create any hazardous
17 condition, so that a paved street is reasonably necessary in order to protect the
18 public, the applicant shall be required to pave, according to the standard specifications
19 of the city, 1/2 of the width of the street prior to the issuance of a building permit for
20 other than single-family residential uses; provided, however, the paving need not
21 exceed 33 feet in width. Where the frontage is on a private easement, the Director of
22 Planning and Public Works and the City Engineer, upon such a joint finding, may
23 require the entire width of the private easement to be so paved and adequate
24 drainage to be provided.

25 (D) *Street widening and corner rounding.* Following a finding that a lot has
26 adequate frontage, as set forth in § 150.016 of this chapter, and in all cases where
27 the Council determines, because of increased traffic caused by the intended uses, that
28 street widening or corner rounding is required, the property owner shall deed to the

city, at no cost to the city, an adequate right-of-way therefore prior to the granting of a building permit for other than single- family residential uses.

§ 150.018 REIMBURSEMENTS FOR COSTS OF IMPROVEMENTS.

Any applicant for a building permit who is required to construct public improvements pursuant to this chapter, which improvements would benefit other property owners who would otherwise be required to construct the improvements, may enter into an agreement with the city for the reimbursement of a pro rata share of the initial cost of constructing the improvements from the other property owners upon the development of real property by such other benefitting property owners.

§ 150.019 FACILITIES AND EQUIPMENT FEES.

(A) *Purpose.* In order to implement goals and objectives of the capital facilities and equipment element of the city's general plan, and to mitigate the service delivery impacts caused by new development in the city, certain public facilities and equipment must be acquired. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following subsections, the City Council has found the fee to be consistent with its general plan and, pursuant to Cal. Gov't Code § 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

(B) *Description of area to be benefitted.*

(1) A public facilities and equipment fee is hereby established on issuance of all building permits as set forth in Res. 90-158, for development within the city to pay for designated facilities and equipment. The City Council shall, by resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed,

1 describe the estimated cost of the facilities, describe the reasonable relationship
2 between this fee and the various types of new developments and set forth time for
3 payment. As described in the resolution establishing the fee amounts, this
4 development fee shall be paid by each developer prior to issuance of a building
5 permit.

6 (2) On an annual basis, the City Council shall review such fees to determine
7 whether the fee amounts are reasonably related to the impacts of developments and
8 whether the described public facilities are still needed.

9 (C) *Limited use of fees.* The revenues raised by payment of this fee shall be
10 placed in a separate and special account and the revenues, along with any interest
11 earnings on that account, shall be used solely to:

12 (1) Pay for the city's future construction of facilities described in the
13 resolution enacted pursuant to division (B) above or to reimburse the city for those
14 described or listed facilities constructed by the city with funds advanced by the city
15 from other sources; or

16 (2) Reimburse developers who have been required or permitted by division
17 (D) below to install the listed facilities which are oversized with supplemental size,
18 length or capacity.

19 (D) *Developer construction of facilities.* Whenever a developer is required, as a
20 condition of approval of a development permit, to construct a public facility described
21 in a resolution adopted pursuant to division (B) above, which facility is determined by
22 the city to have supplemental size, length or capacity over that needed for the
23 impacts of that development, and when the construction is necessary to ensure
24 efficient and timely construction of the facilities network, a reimbursement agreement
25 with the developer and a credit against the fee, which would otherwise be charged
26 pursuant to this section on the development project, shall be offered. The
27 reimbursement amount shall not include the portion of the improvement needed to
28

1 provide services or mitigate the need for the facility or the burdens created by the
2 development.

3 (E) *Fee adjustments.* A developer of any project subject to the fee described in
4 division (B) above may apply to the City Council for a reduction or adjustment to that
5 fee, or a waiver of that fee, based upon the absence of any reasonable relationship or
6 nexus between the facilities and equipment impacts of that development and either
7 the amount of the fee charged or the type of facilities to be financed. The application
8 shall be made in writing and filed with the City Clerk not later than:

9 (1) Ten days prior to the public hearing on the development permit
10 application for the project; or

11 (2) If no development permit is required, at the time of the filing of the
12 request for a building permit.

13 (3) The application shall state in detail the factual basis for the claim of
14 waiver, reduction or adjustment.

15 (4) The City Council shall consider the application at the public hearing on
16 the permit application or at a separate hearing held within 60 days after the filing of
17 the fee adjustment application, whichever is later.

18 (5) The decision of the City Council shall be final.

19 (6) If a reduction, adjustment or waiver is granted, any change in use within
20 the project shall invalidate the waiver, adjustment or reduction of the fee.

21 22 **MECHANICAL CODE**

23 **§ 150.030 ADOPTION OF CALIFORNIA MECHANICAL CODE.**

24 For the purposes of providing minimum standards to safeguard the life or limb,
25 health, property and the public welfare by regulating and controlling the design,
26 construction, installation, quality of materials, location, operation and maintenance of
27 heating, ventilating, comfort cooling and refrigeration systems, incinerators and other
28 miscellaneous heat-producing appliances in the city, that certain code designated as

1 the "California Mechanical Code," 2016 Edition, published by the International
2 Association of Plumbing and Mechanical Officials, 1 copy of which is on file in the office
3 of the Building Department for public record and inspection, is hereby adopted by
4 reference and made a part of this chapter as though set forth in this chapter in full,
5 subject, however, to any amendments, additions and deletions set forth in this
6 subchapter, and the code shall be known as the Mechanical Code of the city.

7
8 **§ 150.031 FEES.**

9 A fee for each permit shall be paid to the Licensing and Revenue Office as set forth
10 in § 150.003(B).

11 **ELECTRICAL CODE**

12 **§ 150.040 ADOPTION OF THE CALIFORNIA ELECTRICAL CODE.**

13 For the purpose of protecting the public health and welfare and establishing rules
14 and regulations for the construction, original electrical installation, and all electrical
15 alterations and repairs and the maintenance of electrical installations in all buildings
16 and structures in the city, that certain code designated as the "California Electrical
17 Code," 2016 Edition, including Annex Chapters B and C, published by the National Fire
18 Protection Association, 1 copy of which is on file in the office of the Building
19 Department for public record and inspection, is hereby adopted by reference and
20 made a part of this chapter as though set forth in this chapter in full, subject,
21 however, to any amendments, additions, and deletions set forth in this chapter, and
22 the Code shall be known as the Electrical Code of the city.

23
24 **§ 150.041 FEES.**

25 A fee for each permit shall be paid to the Licensing and Revenue Office as set forth
26 in § 150.003(B).

1
2 **PLUMBING CODE**

3 **§ 150.050 ADOPTION OF THE CALIFORNIA PLUMBING CODE.**

4 For the purpose of establishing minimum regulations for the installation, alteration
5 and repair of plumbing and drainage systems and the inspection thereof, in the city,
6 that certain code designated as the "California Plumbing Code," 2016 Edition,
7 published by the International Association of Plumbing and Mechanical Officials, 1
8 copy of which is on file in the office of the Building Department for public record and
9 inspection, is hereby adopted by reference and made a part of this subchapter as
10 though set forth in this subchapter in full, subject, however, to any amendments,
11 additions and deletions set forth in this subchapter, and the code shall be known as
12 the Plumbing Code of the city.

13 **§ 150.051 FEES.**

14 A fee for each permit shall be paid to the Licensing and Revenue office as set forth
15 in § 150.003(B).
16

17 **§ 150.052 CONSTRUCTION SITE RESTROOM FACILITY.**

18 (A) Private sanitary toilet facilities shall be provided at all construction sites for
19 employees.

20 (B) The toilet facility shall be placed at foundation stage of construction or when
21 no other private sanitation is provided on property.

22 (C) The facility shall be maintained until completion or when other facilities are
23 provided for employees.
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1
2 **UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

3 **§ 150.060 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF**
4 **DANGEROUS BUILDINGS.**

5 For the purposes of protecting the public health and welfare and establishing rules
6 and regulations for the construction, enlargement, alteration, repair, moving, removal,
7 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
8 buildings and structures in the city, that certain code designated as the "Uniform Code
9 for the Abatement of Dangerous Buildings," 1997 Edition, published by the
10 International Conference of Building Officials, 1 copy of which is on file in the office of
11 the Building Department for public record and inspection, is hereby adopted by
12 reference and made a part of this chapter as though set forth in this chapter in full,
13 subject, however, to any amendments, additions, and deletions set forth in this
14 chapter, and the code shall be known as the Dangerous Building Code of the city.

15 **INTERNATIONAL EXISTING BUILDING CODE**

16 **§ 150.070 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING**
17 **CODE.**

18 For the purposes of protecting the public health and welfare and establishing rules
19 and regulations for the construction, enlargement, alteration, repair, moving, removal,
20 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
21 buildings and structures in the city, that certain code designated as the "International
22 Existing Building Code", 2015 Edition, including Appendix A & B, published by the
23 International Code Council, 1 copy of which is on file in the office of the Building
24 Department for public record and inspection, is hereby adopted by reference and
25 made a part of this chapter as though set forth in this chapter in full, subject,
26 however, to any amendments, additions, and deletions set forth in this chapter, and
27 the code shall be known as the Existing Building Code of the city.
28

1
2 **§ 150.071 FEES.**

3 A fee for each permit shall be paid to the Licensing and Revenue office as set forth
4 in § 150.003(B)(1).
5

6 **INTERNATIONAL PROPERTY MAINTENANCE CODE**

7 **§ 150.080 ADOPTION OF THE INTERNATIONAL PROPERTY**
8 **MAINTENANCE CODE.**

9 For the purposes of protecting the public health and welfare and establishing rules
10 and regulations for the construction, enlargement, alteration, repair, moving, removal,
11 conversion, demolition, occupancy, equipment, use, height, area and maintenance of
12 buildings and structures in the city, that certain code designated as the "International
13 Property Maintenance Code", 2015 Edition, published by the International Code
14 Council, 1 copy of which is on file in the office of the Building Department for public
15 record and inspection, is hereby adopted by reference and made a part of this chapter
16 as though set forth in this chapter in full, subject, however, to any amendments,
17 additions, and deletions set forth in this chapter, and the code shall be known as the
18 Property Maintenance Code of the city.
19

20 **§ 150.999 PENALTY.**

21 (A) Any person violating any of the provisions of § 150.001 or the Building Code
22 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be
23 punishable as set forth in § 10.99.

24 (B) Any person violating any of the provisions of §§ 150.030 et seq. or the
25 Mechanical Code shall be deemed guilty of a misdemeanor and, upon conviction
26 thereof, shall be punishable as set forth in § 10.99.
27
28

1 (C) Any person violating any of the provisions of §§ 150.040 et seq. or the
2 Electrical Code shall be deemed guilty of a misdemeanor and, upon conviction thereof,
3 shall be punishable as set forth in § 10.99.

4 (D) Any person violating any of the provisions of §§ 150.050 et seq. or the
5 Plumbing Code shall be deemed guilty of a misdemeanor and, upon conviction thereof,
6 shall be punishable as set forth in § 10.99.

7
8 **Section 4.** *No Effect on Enforcement of Prior Sections.* The repealing provisions of
9 the Auburn Municipal Code shall not affect or impair any act done, or right vested or
10 approved, or any proceeding, suit or prosecution had or commenced in any cause
11 before such repeal shall take effect; but every such act, vested right, proceeding,
12 suit, or prosecution shall remain in full force and effect for all purposes as if the
13 applicable provisions of the 2013 Code, or part thereof, had remained in force and
14 effect. No offense committed and no liability, penalty, or forfeiture, either civil or
15 criminal, incurred prior to the repeal or alteration of any applicable provision of the
16 2013 Code as amended, shall be discharged or affected by such repeal or alteration
17 but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall
18 be instituted and proceed in all respects as if the applicable provisions of the 2013
19 Code, as amended, had not been repealed or altered.
20
21
22

23 **Section 5.** *Effective Date.* This Ordinance shall not take effect until thirty (30) days
24 after its final passage, or January 1, 2017, whichever occurs later.
25
26

27 **Section 6.** *Severability.* If any section, subsection, sentence, clause, phrase or
28 portion of this Ordinance is for any reason held out to be invalid or unconstitutional

1 by the decision of any court of competent jurisdiction, such decision shall not affect
2 the validity of the remaining portions of this ordinance. The City Council hereby
3 declares that it would have adopted this ordinance and each section, subsection,
4 sentence, clause, phrase or portion thereof irrespective of the fact that any one or
5 more sections, subsection, sentence clause, phrases or portions be declared valid or
6 unconstitutional.
7

8
9 **Section 7.** *Publication.* Pursuant to Government Code Section 36933, the City
10 Clerk is authorized to prepare a summary of this ordinance to be published and
11 posted in lieu of publication and posting of the entire text of the ordinance.
12

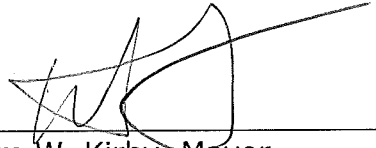
13
14 **Section 8.** *Filing With Commission.* The City Clerk shall file a certified copy of this
15 Ordinance with the California Building Standards Commission and the Department of
16 Housing and Community Development.
17

18 **Section 9.** *Continuity.* To the extent the provisions of this Ordinance are
19 substantially the same as previous provisions of the Municipal Code, these provisions
20 shall be construed as continuations of those provisions and not as amendments of
21 the earlier provisions.
22

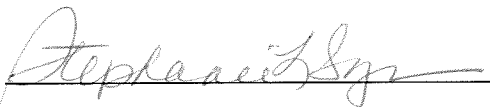
23
24 **Section 10.** *No effect on fees.* This ordinance shall not affect the ability of the city
25 to collect any fees that were authorized by prior versions of this code unless the
26 underlying code section was repealed in its entirety and not replaced elsewhere in
27 the code in any form.
28

1 **Section 11.** *Supplementary of Existing Law.* The City Council intends this
2 Ordinance to supplement, not to duplicate or contradict, applicable state and federal
3 law and this Ordinance shall be construed in light of that intent.
4

5
6 DATED:

7
8 
9 _____
William W. Kirby, Mayor

10 ATTEST:

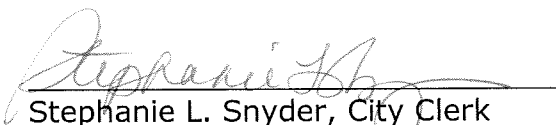
11 
12 _____
13 Stephanie L. Snyder, City Clerk
14

15
16 I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the
17 foregoing resolution was duly passed at a regular meeting of the City Council of the
18 City of Auburn held on the 14th of October, 2016 by the following vote on roll call:

19 Ayes: Nesbitt, Powers, Spokely, Kirby

20 Noes:

21 Absent: Berlant
22

23 
24 _____
Stephanie L. Snyder, City Clerk
25
26
27
28